

MPCA AUDIT FINDINGS – VIOLATIONS AND RECOMMENDATIONS

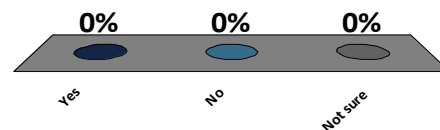
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MINNESOTA EROSION CONTROL ASSOCIATION
PRE-CONFERENCE WORKSHOP JANUARY 23, 2018

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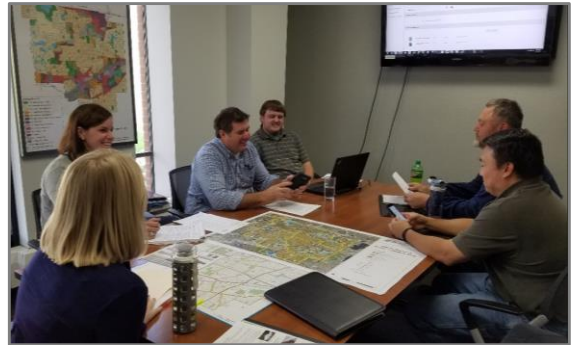
Question time!
Has your MS4 program been audited by the MPCA?

- A. Yes
- B. No
- C. Not sure



MPCA AUDIT BACKGROUND

- Audit = review of your stormwater pollution prevention program (SWPPP)
- Goals of an audit:
 - 1) determine compliance with the MS4 General Permit
 - 2) provide technical assistance
 - 3) assist with permit issuance or renewal process
- All small MS4s have been or will be audited
 - MPCA must audit all in a 7 year period
 - progress: ~155 of 253 small MS4s



AUDIT FINDINGS

MINIMUM CONTROL MEASURES (MCMs) 1 & 2

PUBLIC EDUCATION AND OUTREACH & PUBLIC PARTICIPATION/INVOLVEMENT

FAILURE TO DEVELOP AND IMPLEMENT A PUBLIC EDUCATION IMPLEMENTATION PLAN

(MS4 GENERAL PERMIT PART III.D.1.b)

- Common noncompliance:
 - No written plan
- Compliant implementation plan includes:
 - Target audiences & measurable goals
 - Person responsible for plan implementation
 - Activities & schedules to reach measurable goals
 - Description of coordination with other stormwater education and outreach programs
 - Annual evaluation to determine if goals are, or on track to be, achieved



FAILURE TO DISTRIBUTE EDUCATIONAL MATERIALS ABOUT ILLICIT DISCHARGE RECOGNITION AND REPORTING

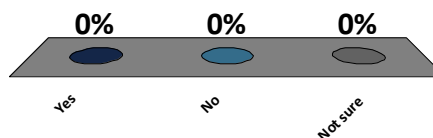
[MS4 GENERAL PERMIT PART III.D.1.a.(2)]

- Common noncompliance:
 - No public outreach materials on illicit discharge recognition and reporting
- Compliant:
 - Distribute outreach materials to residents and businesses about illicit discharge recognition and reporting
 - Document for all materials distributed:
 - Quantity
 - Description
 - Date of distribution



Does your community periodically distribute a newsletter (e.g. quarterly city newsletter, weekly college campus newspaper)?

- A. Yes
- B. No
- C. Not sure



FAILURE TO DISTRIBUTE EDUCATIONAL MATERIALS ABOUT ILLICIT DISCHARGE RECOGNITION AND REPORTING

[MS4 GENERAL PERMIT PART III.D.1.a.(2)]

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 - No public outreach materials on illicit discharge recognition and reporting
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MCM 3

ILLICIT DISCHARGE DETECTION AND ELIMINATION

FAILURE TO TRAIN FIELD STAFF IN ILLICIT DISCHARGE RECOGNITION AND REPORTING

(MS4 GENERAL PERMIT PART III.D.3.e.)

- Common noncompliance:
 - No training of seasonal or temporary field staff
- Compliant training is:
 - Training all field staff appropriately for their duties
 - Documented:
 - list of topics covered
 - names of employees in attendance
 - date of each event
 - Failure to document = failure to conduct



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FAILURE TO HAVE PROCEDURES FOR INVESTIGATING, LOCATING, AND ELIMINATING THE SOURCE OF ILLICIT DISCHARGES

[MS4 GENERAL PERMIT PART III.D.3.g.(1)]

- Common noncompliance:
 - No, or incomplete, procedures
- Compliant procedures discuss:
 - Investigating, locating, and eliminating the source of illicit discharges.
 - Responding to spills
 - Emergency response procedures
 - Notifying the Minnesota Department of Public Safety Duty Officer



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MCM 4

CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

Do you conduct construction site inspections for compliance with your stormwater requirements?

- A. Yes, I am the only person in my municipality responsible for construction site inspections looking for erosion, sediment, and waste controls
- B. Yes, but others can or do inspect and look for erosion, sediment, and waste controls
- C. No, I do not do any inspections
- D. Not sure



FAILURE TO DOCUMENT/CONDUCT CONSTRUCTION SITE INSPECTIONS

[MS4 GENERAL PERMIT PART III.D.4.f.(2)]

- Common noncompliance:
 - Lack of documentation for site inspections
 - Failure to document = failure to conduct
- Compliant inspections:
 - Written checklist or other means for each inspection
 - Conducted at the frequency described in the construction site inspection procedures



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FAILURE TO HAVE PROCEDURES FOR RECEIVING & CONSIDERING PUBLICALLY REPORTED NONCOMPLIANCE AT CONSTRUCTION SITES

(MS4 GENERAL PERMIT PART III.D.4.c.)

- Common noncompliance:
 - No written procedure
- Compliant procedure:
 - In writing
 - Describes:
 - how the public can submit a report
 - who and how the report will be investigated



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FAILURE TO IMPLEMENT AN ADEQUATE CONSTRUCTION SITE STORMWATER RUNOFF CONTROL REGULATORY MECHANISM

(MS4 GENERAL PERMIT PART III.D.4.a)

- Common noncompliance:
 - No mention of waste control requirements

- Compliant

- Refer to the Construction Stormwater Permit (Permit number MN R100001)

OR

- Include all information in the Permanent Stormwater Management (Part III.D.) and Construction Activity Requirements section (Part IV) and applicable appendices of the Construction Stormwater Permit (Permit number MN R100001)



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MCM 5

POST-CONSTRUCTION STORMWATER MANAGEMENT

FAILURE TO HAVE AN ADEQUATE POST-CONSTRUCTION STORMWATER MANAGEMENT REGULATORY MECHANISM

(MS4 GENERAL PERMIT PART III.D.5.a)

- Common noncompliance:
 - No standards, especially for redevelopment projects
 - No preference for green infrastructure
- Compliant:
 - Standards for, at a minimum:
 - a no net increase of TSS, TP, and volume for new development and
 - net reduction for redevelopment of TSS, TP, and volume



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FAILURE TO HAVE MITIGATION PROVISIONS TO MEET THE POST-CONSTRUCTION STANDARDS FOR TSS AND TP

[MS4 GENERAL PERMIT PART III.D.5.a(4)]

- Common noncompliance:
 - No, or incomplete, enforceable mitigation provision
- Compliant mitigation provision:
 - Has enforceable language including:
 - How mitigation areas will be selected per MS4 General Permit
 - A requirement that mitigation projects create or retrofit stormwater BMPs or use regional ones
 - Prohibition of routine maintenance
 - A deadline for project completion (within 24 months)
 - Identifies who is responsible for long-term maintenance
 - Applies payment-in-lieu, if accepted, to a public stormwater project
- If you don't allow mitigation, say that



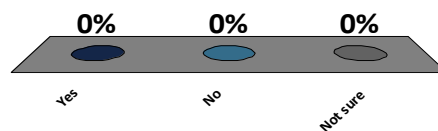
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MCM 6

POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

Does your municipality have facilities that may contribute
pollutants to stormwater?

- A. Yes
- B. No
- C. Not sure



FAILURE TO INSPECT STORMWATER BMPS AND/OR STOCKPILE AND MATERIAL STORAGE & HANDLING AREAS

[MS4 GENERAL PERMIT PART III.D.6.e.(3)]

- Common noncompliance:
 - No documentation of inspections
 - Failure to document = failure to conduct
- Compliant inspections:
 - Conduct quarterly
 - Document:
 - dates and description of findings
 - description of maintenance conducted, including date
 - Document illicit discharges during inspection

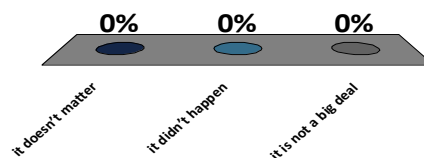


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Quiz time!

If it's not documented _____

- A. it doesn't matter
- B. it didn't happen
- C. it is not a big deal



5 MOST COMMON RECOMMENDATIONS

- Recommendations are not required to implement.
- MPCA staff offering suggestions on how to enhance your program based on their observations at the audit.



MAINTAIN DATABASES OR SPREADSHEETS TO TRACK SIMILAR REQUIRED INFORMATION IN ONE PLACE

- Combine information related to:
 - Site plan reviews
 - Illicit discharge inspections/investigations
- Why do we recommend this?
 - You may not realize you are missing certain requirements
 - All related information can be found in one place for both local MS4 staff and MPCA staff



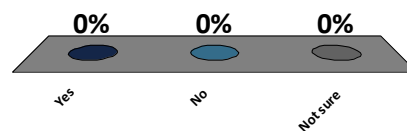
INCLUDE MORE DETAIL IN ALL PROCEDURES

- Such as:
 - Site inspection procedures
 - Site plan review procedures
 - Most commonly recommended: ERPs
- Why do we recommend this?
 - Should be informative enough that a new staff person can comprehend what they are supposed to do just from reading them.
 - Procedures should detail all of the steps taken to conduct each activity.



Do you use a checklist to document construction site inspections?

- A. Yes
- B. No
- C. Not sure



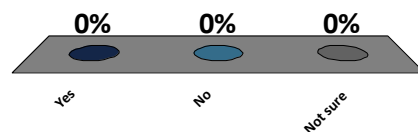
USE A CHECKLIST TO DOCUMENT CONSTRUCTION SITE INSPECTIONS

- Why do we recommend this?
 - The inspector might not inspect for all requirements without a list in front of them
 - Ensures all sites are being inspected under the same criteria and in accordance with the requirements of the regulatory mechanism

Site name:			Inspector:		
Address/Location:			NPOES Permit # (if applicable):		
Owner/operator:			Date and time:		
Site contact name:			Weather Conditions:		
Site contact info:			Amount and date of last rainfall:		
Other person(s) interviewed or onsite:					
Name of special or impaired waters or public waters within 1 mile, if any:					
Item	Yes	No	N/A	Items to be evaluated at all inspections	Type
1				Effective best management practices (BMPs) used to minimize erosion, areas of work are delineated, and steep slope disturbance minimized?	discharge
2				Soils stabilized where work has stopped for 14 days?	
3				Conveyance channels route water around unstabilized areas?	
4				Wetted perimeter of drainage ditch/swale stabilized in 24 hrs for areas within 200 ft of the property edge or discharge point, and 14 days for the rest of the ditch/swale?	
5				Pipe outlets have energy dissipation if connected to surface water?	
6				BMPs discharge to vegetated areas?	
7				Effective sediment control practices used?	
8				Perimeter control BMPs used on downgradient perimeters and upgradient of buffer zones?	
9				Sediment control devices reinstalled if they've been adjusted for short-term work?	
10				All storm drain inlets protected?	
11				Soil stockpiles have sediment controls and are not in conveyances or natural buffer zones?	
12				Effective vehicle tracking BMPs used?	
13				Minimizing soil compaction and preserving top soil?	
14				A 50 ft buffer preserved if site is within 50 ft of, and drains to, surface water, or redundant sediment controls used?	
15				Are flocculants or other sedimentation treatment chemicals being used appropriately?	
16				All perimeter control BMPs maintained, functioning, and properly installed?	
				If no to the previous, will the BMPs be replaced by the end of the next business day?	
				If no to the previous, will the BMPs be replaced by the end of the next business day?	

Do you use a checklist to document site plan reviews?

- A. Yes
- B. No
- C. Not sure



QUESTIONS?

